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10/006,324	12/05/2001	Mamdouh Salama	9469.0-01 (1856-19700)	9922

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EXAMINER

PICKARD, ALISON K

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,324

Applicant(s)

SALAMA, MAMDOUH

Examiner

Alison K. Pickard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 07 July 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 2, "said dual seals" lack antecedent basis.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin (6,042,152) in view of Applicants' Admitted Prior Art (pages 2-5).

Baldwin discloses a composite riser having a dual sealing system, a metal to composite interface (MCI), and a liner assembly. The liner assembly comprises an elastomeric shear ply 20. The dual sealing system comprises a mechanical seal and an elastomeric seal. The mechanical seal is formed between mating grooves in a transition ring 24 and the MCI (see Fig. 6, at 34 and col. 8, lines 1-3). The elastomeric seal comprises an elastomeric tip. The elastomeric tip of the transition ring (e.g. arm 24b or near lead line 24c) is proximate the interface between the MCI and transition ring. The elastomeric seal is formed when the elastomeric tip and

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elastomer ply 20 are bonded together (see col. 7, lines 50-58). Both are provided in an uncured state and cure to form the seal. The transition ring 24c is welded (at 38 see col. 8, lines 4-6) to a liner section 20 in the liner assembly to comprise part of a continuous liner section. Internal fluid is prevented from leaking outside the riser by the dual sealing system. Baldwin does not disclose a metal liner assembly. Applicants disclose, on page 4 of the specification, that metal liners are known to offer longer life and resistance over elastomer liners. Applicants admit that metal liners are known to be more durable and better suited for composite drilling because they are less likely to be damaged by the tools. Further, Applicants admit that it is known that metal liners offer better resistance to production fluids than elastomer liners. Applicants disclose that metal liner assemblies comprise a metal liner and an elastomeric shear ply. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the liner assembly of Baldwin by making it a metal liner assembly disclosed as prior art by Applicants, to better withstand production fluids and the mechanical tools use in drilling.

Response to Arguments

5. Applicant's arguments filed 7-7-03 have been fully considered but they are not persuasive.

Applicant argues that the references fail to show certain features of applicant's invention. It is noted that the features upon which applicant relies (i.e. a dual sealing system) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant distinguishes the present invention from Baldwin by arguing that Baldwin discloses a single seal. First, it is noted that claim 1 does

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not clearly set forth “dual seals” (especially as argued by Applicant). Further, neither the claims nor the specification specifically point out that the dual sealing system comprises two separate and distinct seals. Rather, the dual sealing system has only been limited to a mechanical seal and an elastomeric seal. Baldwin discloses a mechanical seal and an elastomeric seal, and therefore comprises a dual sealing system as required by the claims and defined by the specification. The transition ring 24 (24a/b/c) of Baldwin provides the mechanical seal at the locking grooves (as seen best in Fig. 6) and further provides the elastomeric seal when uncured liner 20 bonds to it (see col. 7, lines 50-58). The elastomeric seal comprises the tip portion of the ring, which is proximate the interface between the MCI and ring (e.g. claim 4).

Applicant argues that the “Y-shaped elastomeric component is not equivalent to a metal transition ring in a liner assembly forming part of a mechanical seal.” These features (for example, a metal transition ring) are not recited in the rejected claims. Considering claim 2, for example, Baldwin discloses the ring 24 can be part of the liner assembly via weld 38. The mechanical seal is formed by the arms and grooves (see Fig. 6, parts 24a/b, 34, 36). Thus, the mechanical seal is in the liner assembly and between a transition ring and MCI.

In response to applicant's argument that Baldwin's shear ply is not provided on the outside of a liner assembly, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In particular, Applicant argues that liner 20 cannot be both the liner assembly and the elastomer shear ply.

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The examiner is not relying on liner 20 to be both. Applicant discloses/teaches that composite risers have an outer composite material and an inner liner assembly. The liner assembly can be metal or elastomeric. Applicant discloses a metal liner assembly has a metal liner and an elastomeric shear ply. Applicant also admits that metal liner assemblies are known to be more durable, to be better suited for composite drilling, and offer better resistance. See the last paragraph on page 3 of the specification. Baldwin discloses an elastomer liner assembly (in a composite riser) comprising elastomer layer 20. It is the admission that a metal liner assembly is a better liner assembly that is being applied in this case. Therefore, the liner assembly of Baldwin would be modified with a metal layer to comprise the metal liner assembly required by the claims. The elastomer shear ply (i.e. layer 20) would be included regardless because a metal liner assembly has a shear ply over the metal layer.

The arguments with respect to each claim have been fully considered. The arguments are considered linked to the issues discussed above. Specifically, Applicant's arguments focus on the elements (i.e. dual seals, the tip, the transition ring, etc) being separate and distinct elements. However, as stated above, these features/limitations are not present in the claims. Baldwin in view of the admitted prior art reads on Applicant's invention as claimed.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison K. Pickard whose telephone number is 703-305-0882. The examiner can normally be reached on M-F (9-6:30), with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.


Alison K. Pickard
Examiner
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AP